

Application No. 10/502,416
Paper Dated June 9, 2006
In Reply to USPTO Correspondence of March 10, 2006
Attorney Docket No. 0115-044591

REMARKS

The Office Action of March 10, 2006 has been reviewed and the Examiner's comments carefully considered. Claims 17-45 are pending in this application and claims 17 and 36 are in independent form. Claims 17 and 36 are amended and claim 45 is added by the present amendment. Claims 18-26, 28-35 and 38-44 are withdrawn from consideration. Applicant would like to thank Examiner Pak for the courtesies extended during the personal interview of April 7, 2006, and Examiner Chiem for the courtesies extended during a follow-up telephone interview. No agreements were reached during these interviews.

Improper Finality of Office Action

Initially, Applicant notes that the Examiner has made the present Office Action final. The finality of this Action is improper. A final Action is improper if the Examiner introduces a new ground of rejection that was not necessitated by an amendment. In the instant application, the claims were amended to change "rotation-prevention means" to "means for securing". This amendment was made to more clearly define the present invention and does not change the scope of the claim. Therefore, since the newly-cited United States Patent No. 6,612,750 to Bull et al. (hereinafter "the Bull patent") and Japanese Patent Application Publication No. JP 59-12576 to Moriya et al. (hereinafter "the Moriya application") do not represent art of record and constitute new grounds of rejection, and the new grounds of rejection were not necessitated by the above-described amendment, Applicant respectfully submits that the final rejection was premature and requests that the Examiner withdraw the finality of these rejections. See MPEP § 706.07.

The Examiner is also attempting to further restrict the claims in the Final Office Action. Specifically, the Examiner contends that claims 28-35 and 38-44 are withdrawn from consideration because Applicant elected Species A in the Election with Traverse of September 1, 2005. However, the Examiner had the opportunity to make this further restriction in the previous, non-final Office Action and failed to take such action. By withdrawing these claims in a final Office Action, the Examiner is not providing the Applicant an opportunity to respond to this further restriction.

Application No. 10/502,416
Paper Dated June 9, 2006
In Reply to USPTO Correspondence of March 10, 2006
Attorney Docket No. 0115-044591

Furthermore, the Final Office Action is replete with typographical errors thereby making it difficult to follow. For instance, the Office Action Summary indicates that claims 17, 27-32 and 34-44 are pending. However, the Applicant believes that claims 17-44 and newly added claim 45 are pending in this application. Further, the Examiner has also indicated on page 2 of the final Office Action that claims 18-26, 28-35 and 38-44 are withdrawn from consideration; however, the Office Action Summary provides that claims 28-32, 34, 35, and 38-44 are rejected. Also, on page 2 of the Office Action, the Examiner indicates that claim 1 is objected to for informalities; however claim 1 has been cancelled. The Examiner also indicates on pages 4 and 5 that claim 28 has been rejected; however, it appears that claim 28 has been withdrawn from consideration.

Accordingly, the Applicant believes that claims 17-45 are currently pending; that claims 18-26, 28-35 and 38-44 are withdrawn from consideration; and that claims 17, 27, 36 and 37 are rejected. Please verify that this is correct.

For the foregoing reasons, the Applicant believes the finality of the March 10, 2006 Office Action should be withdrawn.

Applicant would also like to note that this request is being made pursuant to a conversation between the Applicant's representative and the Examiner handling this case on April 21, 2006. The Examiner indicated that such a request for withdrawal of the stated finality of the Office Action should be made in writing in accordance with the deadlines issued in the improperly-issued final Office Action.

Claim Objections

Claims 17 and 36 stand objected to for informalities. The Applicant believes that the above amendments to claims 17 and 36 overcome the Examiner's informality objections. Reconsideration and withdrawal of this objection are respectfully requested.

Application No. 10/502,416
Paper Dated June 9, 2006
In Reply to USPTO Correspondence of March 10, 2006
Attorney Docket No. 0115-044591

35 U.S.C. § 102 Rejections

Claims 17 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Bull patent. In view of the following remarks, the Applicant respectfully requests reconsideration of this rejection.

As defined by independent claim 17, the present invention is directed to a sleeve mount comprising an interior for accommodating and securing a cylindrical sleeve with a longitudinal slit. The sleeve mount is provided in a coupling of an optical plug-in connection for accommodating ferrules of two optical plug-in connectors introduced from opposite directions. The sleeve mount has means for securing the sleeve against rotation about a sleeve axis. The means for securing are arranged in a central part of the sleeve mount and are restricted to the central part of the sleeve mount.

The Bull patent is directed to an adapter for receiving optical fiber connectors. The adapter includes an inner part suitable for receiving an internal connector carrying an internal optical fiber and an outer part suitable for receiving an external connector having an external optical fiber. The inner part and the outer part have complementary engaging surfaces and cooperating engaging means which lock the two parts together upon relative rotation of one of the parts to the other.

The Bull patent does not teach or suggest “means for securing the sleeve against rotation about a sleeve axis” and that “the means for securing are arranged in a central part of the sleeve mount and are restricted to the central part of the sleeve mount”. The Examiner contends that element 38 depicted in Fig. 8 of the Bull patent is equivalent to the means for securing. However, element 38 is directed to a retaining collar and is clearly depicted in Fig. 8 as being positioned toward the right-hand side of the adapter. The retaining collar 38 is not arranged in a central part of the adapter as required by independent claim 17.

For the foregoing reasons, the Applicant believes that the subject matter of independent claim 27 is not anticipated by the Bull patent. Reconsideration of the rejection of claim 17 is respectfully requested.

Application No. 10/502,416
Paper Dated June 9, 2006
In Reply to USPTO Correspondence of March 10, 2006
Attorney Docket No. 0115-044591

Claim 27 depends from and adds further limitations to independent claim 17 and is believed to be patentable for the reasons discussed hereinabove in connection with independent claim 17. Reconsideration of the rejection of claim 17 is respectfully requested.

35 U.S.C. § 103 Rejections

Claims 36 and 37 stand rejected under 35 U.S.C. § 103(a) for obviousness based upon over the Bull patent in view of Japanese Patent Application Publication No. JP-59-12576 to Moriya et al. (hereinafter “the Moriya application”). In view of the following remarks, the Applicant respectfully requests reconsideration of this rejection.

As defined by independent claim 36, the present invention is directed to a sleeve mount comprising an interior for accommodating and securing a cylindrical sleeve with a longitudinal slit. The sleeve mount is provided in a coupling of an optical plug-in connection for accommodating ferrules of two optical plug-in connectors introduced from opposite directions. The sleeve mount has means for securing the sleeve against rotation about a sleeve axis. The means for securing are arranged in a central part of the sleeve mount and are restricted to the central part of the sleeve mount. The means for securing are designed to engage in a slit of the longitudinally slit, cylindrical sleeve.

The Bull patent, as discussed above, is directed to an adapter for receiving optical fiber connectors. The adapter includes an inner part suitable for receiving an internal connector carrying an internal optical fiber and an outer part suitable for receiving an external connector having an external optical fiber. The inner part and the outer part have complementary engaging surfaces and cooperating engaging means which lock the two parts together upon relative rotation of one of the parts to the other.

The Bull patent does not teach or suggest “means for securing the sleeve against rotation about a sleeve axis” and that “the means for securing are arranged in a central part of the sleeve mount and are restricted to the central part of the sleeve mount” as discussed above. The Examiner further admits on page 5 of the Office Action that the Bull patent fails to teach or suggest that the means for securing is designed to engage in a slit of the longitudinally slit, cylindrical sleeve.

Application No. 10/502,416
Paper Dated June 9, 2006
In Reply to USPTO Correspondence of March 10, 2006
Attorney Docket No. 0115-044591

The Moriya application is directed to an optical connector utilizing a rotation-prevention means fitted to an elastic sleeve, and is provided by the Examiner as a teaching of a sleeve mount having a longitudinally slit cylindrical sleeve with a means for preventing rotation of the sleeve designed to engage the slit in the sleeve. The Moriya application does not cure the deficiencies of the Bull patent. Furthermore, the Moriya application discloses that a securing means (8) is positioned at the far left of the sleeve mount (1) (see figure). Therefore, the Moriya application fails to teach or suggest that "the means for securing are arranged in a central part of the sleeve mount and are restricted to the central part of the sleeve mount" as required by independent claim 36.

For the foregoing reasons, the Applicant believes that the subject matter of independent claim 36 is not rendered obvious by the Bull patent in view of the Moriya application. Reconsideration of the rejection of claim 36 is respectfully requested.

Claim 37 depends from and adds further limitations to independent claim 36 and is believed to be patentable for the reasons discussed hereinabove in connection with independent claim 36. Reconsideration of the rejection of claim 37 is respectfully requested.

New Claim

New independent claim 45 has been added by this Amendment. No new matter was added. Support for new claim 45 can be found in the specification and drawings as originally filed. Claim 45 is also believed to be allowable over the prior art of record for at least the reasons provided hereinabove regarding claims 17 and 36.

Withdrawn Claims

Claims 18-26, 28-35 and 38-44 currently stand as withdrawn from consideration. Claims 18-26 and 28-35 depend, either directly or indirectly, from generic independent claim 17, and claims 38-44 depend, either directly or indirectly, from generic independent claim 36. Upon the finding of allowance of generic claims 17 and 36, the Applicant respectfully requests the consideration of the withdrawn claims which are written in dependent form pursuant to 37 C.F.R. § 1.141.

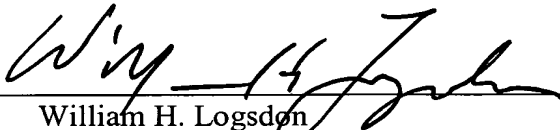
Application No. 10/502,416
Paper Dated June 9, 2006
In Reply to USPTO Correspondence of March 10, 2006
Attorney Docket No. 0115-044591

CONCLUSION

Based on the foregoing remarks, the Applicant respectfully requests that the finality of the March 10, 2006 Office Action be withdrawn. Further, based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 17, 27, 36, 37 and 45, and the rejoinder and allowance of withdrawn claims 18-26, 28-35 and 38-44 are also respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 

William H. Logsdon
Registration No. 22,132
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com